

STEVEN A. GIBSON, ESQ.

Nevada Bar No. 6656

sgibson@righthaven.com

J. CHARLES COONS, ESQ.

Nevada Bar No. 10553

ccoons@righthaven.com

JOSEPH C. CHU, ESQ.

Nevada Bar No. 11082

jchu@righthaven.com

Righthaven LLC

9960 West Cheyenne Avenue, Suite 210

Las Vegas, Nevada 89129-7701

(702) 527-5900

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

ODDS ON RACING, an Illinois general
partnership; DANA PARHAM and ROBIN
SCHADT, as general partners of ODDS ON
RACING,

Defendants.

Case No.: 2:10-cv-0816

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Odds On Racing (“Odds On”), Dana Parham (“Mr. Parham”) and Robin Schadt (“Ms. Schadt,” collectively with Odds On and Mr. Parham known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Odds On is, and has been at all times relevant to this lawsuit, an Illinois general partnership.

5. Attempts to obtain evidence of the formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, and Nevada demonstrate that, at least with respect to these states, Odds On is not a formally organized business entity.

6. Mr. Parham and Ms. Schadt are, and have been at all times relevant to this lawsuit, the general partners of Odds On.

7. Despite a lack of formal organizational status, Odds On is, and has been at all times relevant to this lawsuit, a business for profit.

8. Mr. Parham and Ms. Schadt shared and continue to share in the profits of Odds On.

9. At all times relevant, the conduct of Mr. Parham and Ms. Schadt, general partners of Odds On, constituted and continues to constitute an Illinois general partnership.

10. Odds On is, and has been at all times relevant to this lawsuit, identified by the current registrar, Domainbank.com (“Domainbank”), as the registrar for the Internet domain found at <oddsonracing.com> (the “Domain”).

11. Odds On is, and has been at all times relevant to this lawsuit, transacting business at www.oddsonracing.com (the content accessible through the Domain and the Domain itself, collectively known herein as the “Website”).

12. Mr. Parham is, and has been at all times relevant to this lawsuit, a general partner of Odds On.

35. No later than February 12, 2010, the Defendants displayed the Infringement on the Website.

36. The Defendants replaced the Work's original title, "Demanding horse owners keep heat on trainers," with a new title, "Pressures of the Game."

37. The Defendants did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

38. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

39. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 38 above.

40. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. §106(1).

41. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. §106(2).

42. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. §106(3).

43. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. §106(5).

44. The Defendants reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(1).

45. The Defendants created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(2).

46. The Defendants distributed, and continue to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(3).

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom the Defendants have communicated regarding the Defendants' use of the Work; and

c. All financial evidence and documentation relating to the Defendants' use of the Work;

3. Direct Domainbank and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. §504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

Dated this twenty-eighth day of May, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
STEVEN A. GIBSON, ESQ.
Nevada Bar No. 6656
J. CHARLES COONS, ESQ.
Nevada Bar No. 10553
JOSEPH C. CHU, ESQ.
Nevada Bar No. 11082
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
Attorneys for Plaintiff